

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FELICIA WILLIAMS,

Plaintiff(s),

vs.

WAL-MART STORES, INC.,

Defendant(s).

Case No. 2:16-cv-01919-KJD-NJK

ORDER

(Docket No. 21)

Pending before the Court is a stipulation regarding parameters for Plaintiff's examination performed under Rule 35 of the Federal Rules of Civil Procedure. Docket No. 21.¹ Discovery is meant to proceed with limited involvement of the Court. *Cardoza v. Bloomin' Brands, Inc.*, 141 F. Supp. 3d 1137, 1145 (D. Nev. 2015) (quoting *F.D.I.C. v. Butcher*, 116 F.R.D. 196, 203 (E.D. Tenn. 1986)). To that end, the rules specifically allow parties to stipulate to the parameters of discovery without court approval, except when stipulations interfere with deadlines established by the Court, hearings, or trial.

¹ The pending stipulation appears to be a form used by counsel in state court proceedings, *see* Docket No. 21 at 1 (referring to "NRCF 35"), and is in some ways inapplicable to federal court proceedings, *see id.* at 2 (referring to existence and availability of a Discovery Commissioner). In other ways, the stipulation is inconsistent with the applicable rules of this Court. *Compare id.* at 3 (giving the moving party discretion to present any dispute arising out of the IME to either the assigned magistrate judge or district judge) *with* Local Rule 26-7(a) (discovery disputes are generally referred to the magistrate judge assigned to the case). To the extent any dispute arises out of the IME, that dispute must be presented to the Court in accordance with the applicable Local Rules and the Federal Rules of Civil Procedure.

1 Fed. R. Civ. P. 29(b). Because it does not appear on its face that the pending stipulation impacts any
2 deadline, hearing, or trial, the pending stipulation is **DENIED** as unnecessary.

3 IT IS SO ORDERED.

4 DATED: November 3, 2016

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NANCY J. KOPPE
6 United States Magistrate Judge
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